

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
LUBBOCK DIVISION

SYLVIA A., ¹	§	
	§	
Plaintiff,	§	
	§	
v.	§	CIVIL ACTION NO. 5:21-CV-076-M-BQ
	§	
KILOLO KIJAKAZI,	§	
Acting Commissioner of Social Security, ²	§	
	§	
Defendant.	§	

**ORDER ACCEPTING THE FINDINGS, CONCLUSIONS, AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

Before the Court is Defendant Acting Commissioner of Social Security's (Defendant) partial Motion to Dismiss under Fed. R. Civ. P. 12(b)(1) and brief in support, as well as Defendant's request for extension of time. ECF No. 11. The United States Magistrate Judge made Findings, Conclusions, and a Recommendation regarding the motion. ECF No. 14. Neither party filed objections, and the Magistrate Judge's recommendation is now ripe for review. The District Court reviewed the proposed Findings, Conclusions, and Recommendation for plain error. Finding none, the Court **ACCEPTS** the Findings, Conclusions, and Recommendation of the United States Magistrate Judge.

It is **ORDERED** that:

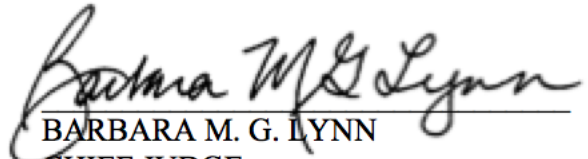
(1) Defendant's partial Motion to Dismiss under Rule 12(b)(1) (ECF No. 11) is **DENIED**; and

¹ To protect the privacy of plaintiffs in social security cases, the undersigned identifies Plaintiff only by first name and last initial.

² In accordance with Rule 25(d) of the Federal Rules of Civil Procedure, Kilolo Kijakazi, who became Acting Commissioner of Social Security on July 9, 2021, is substituted for Andrew Saul as Defendant in this action.

(2) Within fourteen (14) days from the date of this Order, Defendant shall file an answer and certified administrative record.

SO ORDERED, this 7th day of October, 2021.


BARBARA M. G. LYNN
CHIEF JUDGE